

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MOHAMMADREZA YASSAN

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Appeal No. 97-2403  
Application 08/337,806<sup>1</sup>

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ON BRIEF

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Before HAIRSTON, JERRY SMITH, and GROSS, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims  
1 and 4 through 10. Claims 11 through 18 have been allowed,  
and claim 3 stands objected to as being dependent upon a

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<sup>1</sup> Application for patent filed November 14, 1994.

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rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The disclosed invention relates to a method of passively reproducing an audio message on an audio system in a vehicle upon the closure of an ignition switch.

Claim 1 is the only independent claim on appeal, and it reads as follows:

1. A method for operating a vehicle message system including a vehicle audio system having record, store and replay audio function modes, the method comprising:

recording an audio message by reproducing a vocally intoned output as a message signal in the record functional mode of said vehicle message system;

storing said message signal;

retrieving said message signal in response to a first predetermined actuator;

reproducing said audio message on said vehicle audio system from said retrieved message signal;

wherein said actuator comprises an ignition switch and said retrieving step comprises closing said ignition switch; and

wherein said reproducing step comprises passively reproducing said audio message.

The references relied on by the examiner are:

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Kawasaki 1984	4,426,691	Jan. 17,
Franklin 1989	4,839,749	June 13,
Zwern 1993	5,193,141	Mar. 9,

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Claims 1 and 8 through 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zwern.

Claims 4 through 6 stand rejected under 35 U.S.C. § 103 as being unpatentable over Zwern in view of Franklin.

Claim 7 stands rejected under 35 U.S.C. § 103 as being unpatentable over Zwern in view of Kawasaki.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

#### OPINION

All of the rejections are reversed.

Zwern discloses that fused 12 volt power from the vehicle's ignition system is converted to 5 volts only when the ignition switch is in the on or start position (column 6, lines 34 through 38). During the supplying of power, "the invention's function depends on the position of the live/play/record switch 16" (column 6, lines 52 through 55). "When in the play mode, the invention plays back a single phrase each time start button 20 is pressed . . ." (column 7, lines 39 through 41).

According to the examiner (Answer, page 5), "it would have been obvious to one having ordinary skill in the art to

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position the switch 16 in the play function and passively reproduce an audio message in response to ignition switch operation."

Appellant argues (Brief, page 4) that:

Moreover, reproduction of a message requires actuation of start button 20 when switch 16 has been moved to the play mode. There is no teaching or motivation in the Zwern reference that the start button should be removed.

We agree with appellant that Zwern does not disclose passive reproduction of an audio message upon closure of the ignition switch. Thus, the obviousness rejection of claims 1 and 8 through 10 is reversed.

The obviousness rejection of claims 4 through 6 is reversed because Franklin's "digital clock 221 [sic, 22i] and timed message circuit 22 in figure 4 for current time designation and periodic time designation" (Answer, page 6) neither teaches nor would have suggested "the omission of triggering" by start button 20 that is clearly required for playback by Zwern (Brief, page 6).

The obviousness rejection of claim 7 is reversed because Kawasaki's teaching of repeatedly reproducing a message (Abstract; column 1, lines 17 through 21) does not cure the

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noted shortcoming in the teachings of Zwern.

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DECISION

The decision of the examiner rejecting claims 1 and 4  
through 10 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

KWH:svt

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Ronald M. Nabozny  
BROOKS & KUSHMAN  
22nd Floor  
1000 Town Center  
Southfield, MI 48075